

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

PHYLLIS J. HANEY,

Bankruptcy No. 18-22636-TPA

Debtor.

Chapter 11

PHYLLIS J. HANEY,

Document No.

Movant,

Related to Doc. Nos. 262, 264

vs.

Hearing Date and Time:

October 3, 2019 at 11:30 a.m.

STRASSBURGER, MCKENNA,
GUTNICK and GEFSKY; BRADY'S
RUN SANITARY AUTHORITY;
INTERNAL REVENUE SERVICE;
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE; BEAVER
COUNTY TAX CLAIM BUREAU,

Respondents.

**REVISED ORDER CONFIRMING SALE OF PROPERTY
FREE AND DIVESTED OF LIENS**

AND NOW, this _____, 2019, on consideration of the Phyllis J. Haney, Debtor, the *Motion for Sale of Property Free and Divested of Liens* to Jerry E. and Wendy Drolze ("Buyers"), 451 Marion Avenue, Springdale, PA 15144, for \$25,000.00, after hearing held in Courtroom D, 54th Floor, 600 Grant Street, Pittsburgh, PA this date, the Court finds:

(1) That service of the Notice of Hearing and Order setting hearing on said Motion for private sale of real property free and divested of liens of the above named Respondents, was effected on the following secured creditors whose liens are recited in said Motion for private sale, viz:

DATE OF SERVICE

NAME OF LIENOR AND SECURITY

August 29, 2019

Strassburger McKenna Gutnick and
Gefsky
(mortgage)

August 29, 2019

Brady's Run Sanitary Authority
(judgment)

August 29, 2019

Internal Revenue Service
(*Federal Tax Lien*)

August 29, 2019

Commonwealth of Pennsylvania
Department of Revenue
(*judgment*)

August 29, 2019

Beaver County Tax Claim Bureau
(*Tax Lien*)

(2) That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the moving party as shown by the certificate of service duly filed and that the named parties were duly served with the Motion.

(3) That said hearing was duly advertised in Beaver County Legal Journal on September 21, 2019 and in the Beaver County Times on September 19, 2019, as shown by the Proof of publications duly filed.

(4) That at the sale hearing the highest/best offer received was that of the above Purchase(s) and no objections to the sale were made which would result in cancellation of said sale.

(5) That the price of \$25,000.00 offered by Jerry E. and Wendy Drolze ("Buyers") was a full and fair price for the property in question.

(6) That the Purchaser(s) has/have acted in good faith with respect to the within sale in accordance with *In re Abbotts Dairies of Pennsylvania, Inc.*, 788 F2d. 143 (3d Cir. 1986).

Now therefore, **IT IS ORDERED, ADJUDGED AND DECREED** that the sale by Special Warranty deed of the real property described as follows:

- a.) 188 Blackhawk Road, County of Beaver, Chippewa Twp., Beaver Falls, PA 15010 at Beaver County, Tax I.D. #70-015-0202.000.

are hereby **CONFIRMED** to Jerry E. and Wendy Drolze, 451 Marion Avenue, Springdale, PA 15144 for \$25,000.00, free and divested of the above recited liens and claims, and, that the Movant is authorized to make, execute and deliver to Purchaser(s) above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale;

IT IS FURTHER ORDERED, that the above recited liens and claims be, and they hereby are transferred to the proceeds of sale, if and to the extent they

may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear and divested of said liens and claims;

FURTHER ORDERED, that the following expenses/costs shall immediately be paid at the time of closing. *Failure of the Closing Agent to timely make and forward the disbursements required by this Order will subject the closing agent to monetary sanctions*, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this Order. Except as to the distribution specifically authorized herein, all remaining funds shall be held by Counsel for Movant pending further Order of this Court after notice and hearing.

- (1) The following lien(s)/claim(s) and amounts:

PA Dept. of Rev. v. Phyllis J. Haney(2001-30835)	<u>\$2,617.11</u>
PA Dept. of Rev. v. Phyllis J. Haney (2004-30759)	<u>\$ 691.87</u>
PA Dept. of Rev. v. Phyllis J. Haney (2006-32007)	<u>\$7,067.99</u>

(After payment of the current real estate taxes pro-rated to the date of closing, the remainder of the sale proceeds after payments below shall be distributed to the Department of Treasury v. Phyllis J. Haney (2008-50012) to partially satisfy said lien.);
- (2) Delinquent real estate taxes, if any; \$2,449.44 ;
- (3) Current real estate taxes, pro-rated to the date of closing \$ TBD ;
- (4) The costs of local newspaper advertising in the amount of \$869.05;
- (5) The costs of legal journal advertising in the amount of \$260.00;
- (6) The Court approved realtor commission in the amount \$2,000.00;
- (7) Court approved attorney fees in the amount of \$2,000.00, after approval of a Fee Application to be filed with the Court;
- (8) The balance of funds realized from the within sale shall be held by the Attorney for the Movant until further Order of Court, after notice and hearing; and,
- (9) Other: \$181.00 to Debtor's Counsel for costs of filing this Sale Motion and Order.

FURTHER ORDERED that:

- (1) Closing shall occur within thirty (30) days of this Order and, within five (5) days following closing, the Movant shall file a report of sale which shall include a copy of the HUD-1 or other Settlement Statement;
- (2) This Sale Confirmation Order survives any dismissal or conversion of the within case; and,

- (3) ***Within five (5) days of the date of this Order***, the Movant shall serve a copy of the within Order on each Respondent (i.e., each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney for the debtor, the Closing Agent, the Purchaser, and the attorney for the Purchaser, if any, and file a certificate of service.

THOMAS P. AGRESTI
United States Bankruptcy Court Judge